



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Frank Tamberino, Esq.. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 039163413H et al. (2 summonses)

DEPT OF BUILDINGS,

-against-

BONA FIDA FURNITURE INC

Hearing Date : 12/22/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 3,750.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039163413H	Sustained	10/10/2025	354 44 STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B187	28-201.1	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039163414J	Sustained	10/10/2025	354 44 STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B263	28-204.4	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

Findings of Facts & Conclusions of Law

This remote hearing was conducted on December 17, 2025. Respondent (Bona Fida Furniture Inc) appeared by attorney, Frank Tamberino. Gurtej Sahni appeared for Petitioner (DOB).

For summons #039163413H, Respondent was charged with a class-1 violation of 28-201.1. Failure to comply with the Commissioner's Order to obtain permits for violation #39103094P..." This summons was issued on 10/10/2025 and scheduled for a hearing on 12/17/2025.

For summons #039163414J, Respondent was charged with a class-2 violation of 28-204.4. Failure to comply with Commissioner's Order to file a Certificate of Correction with the Dept. of Buildings for violation #39103093N..." This summons was issued on 10/10/2025 and scheduled for a hearing on 12/17/2025.

Mr. Sahni submitted the OATH/ECB Violation Details for underlying summonses #94P and #93N. The Violation Details reveal that Respondent was found in Violation after hearings for both of the subject summonses (#13H and #14J) with No Compliance Recorded for either case. See: Pet. Ex. #1 and #2.

Mr. Tamberino did not contest the predicate/underlying summonses

Mr. Tamberino challenged service of the summonses. Specifically, he contended that service was improper because the issuing officer did not make a reasonable attempt to serve the summonses (prior to posting them on the front door). In Section C of the Affidavits of Service, the I/O wrote: "Full Vacate Order on Property. No one occupies building at time."

Mr. Tamberino further contended that, "Just because there was a Vacate Order on the building does not mean someone was not someone in the building to accept service. The I/O did not say that he looked about."

Mr. Sahni rebutted. He contended that service was proper based on the I/O's statement that there was a Vacate Order on the property and there was no one there. Mr. Sahni queried, "What can Respondent provide to show that there was someone there?"

Based on the record before me, I sustain summonses #13H and #14J. I find that service of both summonses was proper. I credit the issuing officer's statements on the Affidavits of Service declaring, "Full Vacate Order on Property." Furthermore, I find persuasive the I/O's additional statements declaring, "No one occupies the building at time." I find that the I/O made reasonable attempts to serve these two(2) summonses prior to posting the summonses in a conspicuous place (on the front door) as, at T/P/O, there was a Full Stop-Work-Order in effect, and there was no one present to ask if that person was authorized to accept service, and if not, if there was anyone else present authorized to accept service on the respondent's behalf.

On the merits for both summonses, I credit the issuing officer's affirmations of the factual allegations. Respondent failed to present credible evidence to refute the factual allegations, nor did Respondent establish any legally valid defenses. Accordingly, I sustain summonses #13H and #14J.

J Beck-Wall

12/22/2025

12/22/2025

Joan B Beck-Wall, Judicial Hearing Officer

Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
Queens: (718) 393-6044 CSqueens@oath.nyc.gov
Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
Staten Island: (718) 876-2314 CSstateniland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need to** pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
visit OATH's website www.nyc.gov/oath
or call 1-844-OATH-NYC

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